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In re Application of:	:	
GUYOT, Jean-Luc, et al.	:	DECISION ON PETITION
Application No.: 09/623,604	:	
PCT No.: PCT/FR99/00492	:	
Int. Filing Date: 05 March 1999	:	
Priority Date: 05 March 1998	:	
Attorney Docket No.: 32910	:	
For: DEVICE FOR INSPECTING, SAMPLING, OR	:	
EXTRACTING AT A PRECISE SPOT	:	
BENEATH A SLAB	:	

This decision is issued in response to applicants' "Letter Requesting Corrected Filing Receipt" filed by facsimile on 11 March 2003 and applicants' 16 January 2002 submission, treated herein as a petition under 37 CFR 1.181 to confirm the filing of the inventor's declaration on 25 September 2000. No petition fee is required.

BACKGROUND

On 05 March 1999, applicants filed international application PCT/FR99/00492 which claimed a priority date of 05 March 1998 and which designated the United States. On 10 September 1999, a copy of the international application was communicated to the USPTO by the International Bureau (IB).

On 13 September 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 05 September 2000.

On 01 September 2000, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a translation of the international application into English.

On 19 October 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an executed oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 16 January 2002, applicants filed a submission which included a copy of an executed declaration. This submission, considered herein as a petition under 37 CFR 1.181, asserts that applicants filed the attached declaration and the required surcharge payment on 25 September 2000. Included with the petition is a copy of a return postcard which itemizes the declaration and surcharge payment, identifies the present application, and bears a USPTO receipt stamp dated 25 September 2000.

On 07 February 2002, the DO/EO/US mailed a "Notification Of Acceptance" (Form PCT/DO/EO/903) identifying 16 January 2002 as the 35 U.S.C. 371 date. A filing receipt was also issued by the USPTO which identified 16 January 2002 as the filing date for this application.

On 11 March 2003, applicants filed the facsimile transmission considered herein (the submission asserts that the included "Letter Requesting Corrected Filing Receipt" was originally filed on 17 June 2002). This submission seeks correction of the filing receipt to indicate a filing date of 25 September 2000, the date on which applicant asserts that the declaration completing the 35 U.S.C. 371 requirements was originally filed.

DISCUSSION

Based on applicants' statements, the stamped return postcard, and USPTO records that indicate receipt of the \$130 surcharge payment on 25 September 2000, it is concluded that the declaration and surcharge filed to complete the 35 U.S.C. 371 requirements were filed on 25 September 2000.

The proper 35 U.S.C. 371 date for this application is therefore 25 September 2000. The Notification Of Acceptance mailed 07 February 2002, which incorrectly identified 16 January 2002 as the 35 U.S.C. 371 date, is therefore appropriately vacated.

CONCLUSION

Applicants' petition under 37 CFR 1.181 and request for a corrected filing receipt are **GRANTED**.

The Notification Of Acceptance mailed 07 February 2002, and the subsequently mailed filing receipt, are hereby **VACATED**.

This application is being returned to the National Stage Processing Branch of the Office of PCT Operations for further processing, including the mailing of a corrected Notification Of Acceptance identifying 25 September 2000 as the 35 U.S.C. 371 date and the issuance of a corrected filing receipt identifying 25 September 2000 as the filing date.

A handwritten signature in black ink, appearing to read 'RM Ross', written in a cursive style.

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